



A NEWSLETTER FOR MUNICIPAL COUNCILLORS
June 2007

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Hearts Desire Weir Operational Review

The Hearts Desire Weir, found in the lower reach of the Jock River, is under review. This seasonal weir has been operated by the RVCA since the early 1970s when its construction was recommended in the 1970 *Jock River Conservation Report*. A number of stakeholders (Community Associations, Friends of the Jock, City of Ottawa) met to informally discuss local concerns centering on the weir. The issues vary from those who believe the weir may be partially responsible for the extreme upstream erosion to those who believe the weir supports local aesthetics and enhances the recreational potential of the river. The debate is whether the continued operation of the weir is really required. All parties agree that a technical investigation is required along with community consultation and collaboration prior to making changes to the long standing annual operation of the Hearts Desire Weir. The RVCA aquatics and natural sciences personnel will undertake aquatic habitat surveys and inventories to help determine the weirs role in terms of habitat support. Public meetings will be held this fall to present the RVCA's findings and collect community input prior to any final decisions regarding the future role and operation of the weir (bruce.reid@rideauvalley.on.ca).

Motts Mill Dam Review

Working with Ducks Unlimited, the RVCA is conducting an operational review of the Motts Mill Dam in Elizabethtown-Kitley Township. The review will:

- decide on the water levels to be maintained behind the dam for public health and safety
- respect the riparian rights of local landowners
- consider ways to protect wildlife habitat in the provincially significant Hutton Creek Wetland
- look at alternative dam designs and identify a preferred design that will enable RVCA to control the water levels as required

Ducks Unlimited is a major partner in the review because of their ongoing interest in managing waterfowl in the Hutton Creek Wetland and the agreements they have with local landowners to manage the vegetation in the marshland found upstream of the dam (martin.czarski@rideauvalley.on.ca).

Low Water Response – Because We Need to Know Times of Low Flow

Periods of dry weather and low water levels (aka drought) have been relatively uncommon in Ontario. However, changing weather patterns indicate low water levels may become more common. These environmental changes, when combined with our increasing demand for water, only compound the low flow issue. As a result, RVCA staff are developing local "low water response" procedures. The RVCA is adapting the Ontario Ministry of Natural Resources' Ontario Low Response Program to suit our watershed's needs and reflect local conditions. The RVCA will work closely with member municipalities and other agencies to form a local Water Response Team who will develop a strategy on how to respond to local, low flow water issues – this includes ongoing monitoring as well as responding to and communicating about shortages.

Stream flow and water level data are collected year-round by the RVCA. You can see see current watershed conditions at www.rideauvalley.on.ca under "Showcase" items (patrick.larson@rideauvalley.on.ca).



What is Fish Habitat?

Fish habitat is defined in the *Federal Fisheries Act* as the “spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes.”

The term fish includes: “parts of fish; shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.”

What is Indirect Fish Habitat?

Although DFO has not provided any formal guidelines for assessing what constitutes indirect fish habitat, in practice it is generally considered to be ecological features that do not directly support fish, but supply food, nutrients, flow, and organic material to downstream habitat that contains fish. (Source: Headwater Drainage Features Literature Review, 2007)

RVCA meeting dates, Board of Directors and Advisory Board agendas, minutes and media releases are available at www.rideauvalley.on.ca

☎ 613 692 3571
☎ 800 267 3504
☎ 613 692 0831

Enforcing Section 35 of the *Federal Fisheries Act*

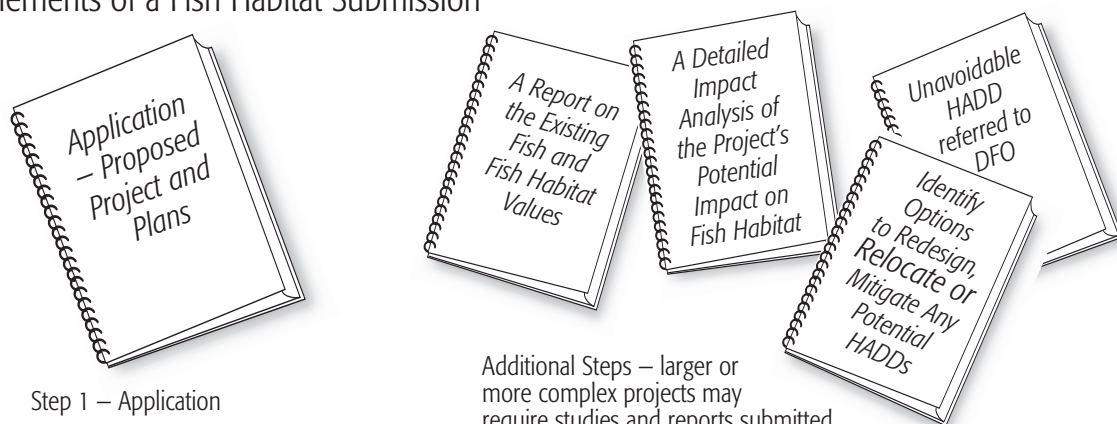
The RVCA has been assisting Fisheries and Oceans Canada (DFO) in the implementation of the *Fisheries Act* since 1998. Under an agreement with DFO, the RVCA provides guidance to people working near water bodies to ensure they are in compliance with the Act. The RVCA protects all ravine lands, rivers, lakes, creeks, wetlands and ponds within its area of jurisdiction (except the waters of the Rideau Canal which are under the jurisdiction of the Rideau Canal Office – Parks Canada). This is done in conjunction with other Authority programs. The Conservation Authority already reviews applications under the Ontario *Conservation Authorities Act (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation)*, as well as the review and endorsement of plans under both the *Planning Act* and the *Environment Assessment Act*. The *Fisheries Act* is a “natural” blend with the RVCA’s current policies, roles, responsibilities and experience.

Section 35 of the *Fisheries Act* makes it an offense to harmfully alter, disrupt or destroy fish habitat (a “HADD”) without prior written authorization. The RVCA reviews proposals to determine if proposed work in or around water could harmfully alter, disrupt or destroy fish or fish habitat. If projects are designed and constructed properly, negative impact on fish are often avoided. The RVCA provides “mitigation advice” to ensure that all activities are acceptable. Projects that destroy fish habitat can be refused – the policy is “no net loss” of habitat. If a HADD can not be avoided, projects are referred directly to DFO for further review. No one may carry out any work that results in a HADD unless it has been authorized by the Minister of Fisheries and Oceans Canada. Violations to the Act can result in substantial fines, restoration orders and/or risk of imprisonment. The federal *Fisheries Act* is among the oldest and strongest environmental legislation in the country. It is not new nor are the processes under which a review is conducted.

The RVCA is just one of 35 Conservation Authorities throughout Ontario with this role in support of the *Fisheries Act*. Individual agreements between Ontario’s Conservation Authorities and DFO are aimed at making service more accessible and streamlined. An example of streamlining approvals would be the Municipal Drain Classification system. RVCA has spent the past several years classifying its 410 Municipal Drains within the watershed. Most of the drains have been classed as a Type F drain, which means a simple letter of advice is issued to the Drainage Superintendent for drain maintenance activities. There are six class types and most drain maintenance activities are considered to be low risk and approvals are obtained within 10 working days.

Proposals like the recent Riverside South High School regularly come under review at the RVCA. Such reviews are part of a common and well established process that provides an integrated environmental review for all development proposals. The Riverside South High School review continues as part of this standard process. In this particular case, fish habitat was identified on sections of the watercourses that flow through and/or adjacent to the site. The Conservation Authority is working with the School Board and the City of Ottawa to ensure that the development can proceed without adverse impact to fish and fish habitat. Impacts to fish habitat will be mitigated through revisions to the proposed site plan, development setbacks from the watercourses and an innovative design of the stormwater management system to maintain the contribution of clean water to these watercourses (jennifer.lamoureux@rideauvalley.on.ca or hal.stimson@rideauvalley.on.ca).

Elements of a Fish Habitat Submission



Step 1 – Application